

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

DEBRA M. BALESTRA-LEIGH and) 3:09-CV-00551-ECR-RAM
STEPHEN M. BALESTRA,)
) MINUTES OF THE COURT
Plaintiffs,)
) DATE: December 14, 2010
vs.)
)
JESSICA K. BALESTRA, formerly)
known as Jessica K. Eslava-)
Barbieri,)
)
Defendant.)
_____)

PRESENT: _____ EDWARD C. REED, JR. _____ U. S. DISTRICT JUDGE

Deputy Clerk: _____ COLLEEN LARSEN _____ Reporter: _____ NONE APPEARING

Counsel for Plaintiff(s) _____ NONE APPEARING

Counsel for Defendant(s) _____ NONE APPEARING

MINUTE ORDER IN CHAMBERS

On October 27, 2010, Defendant filed a Motion for Attorneys' Fees and Costs (#29). On November 22, 2010, Plaintiffs filed an Opposition (#35). On December 2, 2010, Defendant filed a Reply (#36).

Although it is true that we have dismissed Plaintiffs' complaint against Defendant on two separate occasions, we do not find that the claims asserted were baseless, without merit, frivolous, or vexatious.

IT IS, THEREFORE, HEREBY ORDERED that Defendant's Motion for Attorneys' Fees and Costs (#29) is **DENIED** to the extent that it seeks attorneys' fees. **IT IS FURTHER ORDERED** that Defendant's Motion for Costs (#29) is **DENIED** without prejudice.

The appropriate way of seeking an award of costs is by filing a bill of costs with the Clerk of the Court. The Clerk is then charged with taxing the costs. The Clerk's taxation of the costs is subject to appeal to the Court.

LANCE S. WILSON, CLERK

By _____ /s/ _____
Deputy Clerk